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Monterey Gourmet Foods, Inc.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

11 MONTEREY GOURMET FOODS,  
INC., a Delaware corporation,

12 Plaintiff,

13 vs.

14 WINDSOR QUALITY FOOD  
15 COMPANY LTD., a Texas Limited  
Partnership; and DOES 1 through 20,  
16 inclusive,

17 Defendants.

No. C08-01316 (JCS)

Case assigned for all purposes to  
Hon. Joseph C. Spero

**STIPULATION TO CONTINUANCE OF  
HEARING ON MONTEREY GOURMET  
FOODS, INC.'S MOTIONS TO DISMISS  
AND SPECIAL MOTION TO STRIKE  
COUNTERCLAIM OF WINDSOR  
QUALITY FOOD COMPANY, LTD., AND  
CASE MANAGEMENT CONFERENCE;  
AND ORDER THEREON [Local Rule 7-7]**

Courtroom A (Hon. Joseph C. Spero)  
Trial Date: Not Set

20 AND RELATED COUNTERCLAIM.  
21

23 STIPULATION

24 Plaintiff and counterdefendant Monterey Gourmet Foods, Inc. ("MGF") and  
25 defendant and counterclaimant Windsor Quality Food Company, Ltd. ("Windsor"), by and  
26 through their respective counsel of record (collectively, "the parties"), hereby enter into  
27 this Stipulation pursuant to Local Rule 7-7(b), and based upon the following agreed  
28 facts:

1           1.     MGF has filed a Special Motion to Strike and Motion to Dismiss  
2     (collectively, "the motions"), which are presently set for hearing on June 6, 2008.

3           2.     Windsor has timely filed opposition to the motions.

4           3.     The Court has scheduled the initial Case Management Conference for  
5     June 6, 2008.

6           4.     The parties wish to first discuss potential settlement and ADR options prior  
7     to and without the necessity of hearing and court ruling on the motions, and prior to the  
8     initial Case Management Conference.

9           5.     To accommodate discussions regarding potential settlement and ADR  
10    options, the parties wish to continue hearing on the motions and initial Case  
11    Management Conference from June 6, 2008, to June 27, 2008, a date that is currently  
12    available on the Court's calendar.

13          6.     To accommodate discussions regarding potential settlement and ADR  
14    options, the parties also wish to continue the time for filing and serving reply papers on  
15    the motions to June 13, 2008.

16          7.     The parties further wish to continue the date for filing of the Joint Case  
17    Management Conference Statement from May 30, 2008, to June 20, 2008.

18          8.     The parties agree that the above facts, agreements, and stipulations may  
19    be confirmed by an order of the Court.

20                 Dated: May 22, 2008.     SHAPIRO BUCHMAN PROVINIE & PATTON, LLP

21  
22   By: /s/ John H. Patton  
23   Attorneys for Plaintiff and Counterdefendant  
  Monterey Gourmet Foods, Inc.

24                 Dated: May 22, 2008.     McAFEE & TAFT, A Professional Corporation

25  
26   By: /s/ Robert W. Dace  
27   Attorneys for Defendant and Counterclaimant  
  Windsor Quality Food Company, Ltd.

1 Dated: May 22, 2008. CARR, McCLELLAN, INGERSOLL, THOMPSON &  
2 HORN Professional Law Corporation

3 By: /s/ Lori A. Lutzker  
4 Attorneys for Defendant and Counterclaimant  
Windsor Quality Food Company, Ltd.

5 **ATTESTATION FOR ELECTRONIC FILING**

6 As the attorney electronically filing this document, I hereby attest that all  
7 signatories indicated above have concurred in this filing.

8 Dated: May 22, 2008 SHAPIRO BUCHMAN PROVINE & PATTON, LLP

9  
10 By: /s/ John H. Patton  
11 Attorneys for Plaintiff and Counterdefendant  
12 Monterey Gourmet Foods, Inc.

13 **ORDER CONFIRMING STIPULATION**

14 The foregoing facts, agreements, and stipulations are hereby confirmed as an  
15 Order of this Court, and hearing on the Special Motion to Strike and Motion to Dismiss,  
16 as well as the Case Management Conference, are hereby continued to June 27, 2008,  
17 at 9:30 a.m. in Courtroom A of this Court. The time for the filing and service of reply  
18 papers and the Joint Case Management Conference Statement are hereby continued in  
19 accordance with the above Stipulation.

20 Dated: May \_\_\_\_, 2008.

21 JOSEPH C. SPERO  
22 United States Magistrate Judge  
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